

Notice of Allowability

Application No.
09/868,243

Applicant(s)
Carlin et al.

Examiner
S. Devi, Ph.D.

Art Unit
1645



--The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course.

THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS. This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Applicants' amendment filed 12/05/02

2. ☒ The allowed claim(s) ~~is~~ are claims 1-4

3. ☐ The drawings filed on _____ are accepted by the Examiner.

4. ☒ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

a) ☒ All b) ☐ Some* c) ☐ None of the:

1. ☒ Certified copies of the priority documents have been received.

2. ☐ Certified copies of the priority documents have been received in Application No. _____

3. ☒ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

5. ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

(a) ☐ The translation of the foreign language provisional application has been received.

6. ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application. **THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

7. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.

8. ☐ CORRECTED DRAWINGS must be submitted.

(a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached

1) ☐ hereto or 2) ☐ to Paper No. _____

(b) ☐ including changes required by the proposed drawing correction filed _____, which has been approved by the examiner.

(c) ☐ including changes required by the attached Examiner's Amendment/Comment or in the Office action of Paper No. _____

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the top margin (not the back) of each sheet. The drawings should be filed as a separate paper with a transmittal letter addressed to the Official Draftsperson.

9. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1 ☐ Notice of References Cited (PTO-892)

3 ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

5 ☐ Information Disclosure Statement(s) (PTO-1449), Paper No(s). _____

7 ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material

9 ☐ Other

2 ☐ Notice of Informal Patent Application (PTO-152)

4 ☐ Interview Summary (PTO-413), Paper No. _____

6 ☒ Examiner's Amendment/Comment

8 ☐ Examiner's Statement of Reasons for Allowance

Serial Number: 09/868,243
Art Unit: 1645

EXAMINER'S AMENDMENT

1) An Examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to Applicants, an amendment may be filed as provided by 37 C.F.R. 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee. The authorization for this Examiner's amendment was provided by Mr. Thomas McCracken in a telephone interview on 29 January 2002:

This application has been amended as indicated below:

- (a) In line 3 of claim 1, the recitation --of said *E. coli*-- is inserted after the recitation "(CFAs)".
- (b) In lines 6 and 7 of claim 1, the recitation "which vaccine composition does not contain heat stable enterotoxin (ST)" is replaced with --wherein heat stable enterotoxin (ST) of said *E. coli* is removed from said antigens if present--.
- (c) In line 1 of claims 2-4, for proper antecedence, the recitation "An" is replaced with --The--.

Applicants' Amendment

2) Acknowledgment is made of Applicants' amendment filed 12/05/2002 (paper no. 7) in response to the non-final Office Actions mailed 06/05/02 (paper no. 4).

Status of Claims

3) Claims 1-4 are pending and are under examination in this application.

Objection(s) Withdrawn

4) The objections made to claims 1 and 4 in paragraph 6 of the Office Action mailed 06/05/02 (paper no. 4) is withdrawn in light of Applicants' amendments to the claims.

Rejection(s) Withdrawn

5) The rejection of claims 1-4 made in paragraph 5 of the Office Action mailed 06/05/02 (paper no. 4) under 35 U.S.C § 112, second paragraph, as being indefinite, is withdrawn in light of Applicants' amendment to the claims and/or the base claim.

Remarks

6) Claims 1-4 are allowed.

Serial Number: 09/868,243
Art Unit: 1645

7) Papers related to this application may be submitted to Group 1600, AU 1645 by facsimile transmission. Papers should be transmitted via the PTO Fax Center located in Crystal Mall 1. The transmission of such papers by facsimile must conform with the notice published in the Official Gazette, 1096 OG 30, November 15, 1989. The CM1 facsimile center's telephone number is (703) 308-4242, which is able to receive transmissions 24 hours a day and 7 days a week.

8) Any inquiry concerning this communication or earlier communications from the Examiner should be directed to S. Devi, Ph.D., whose telephone number is (703) 308-9347. A message may be left on the Examiner's voice mail system. The Examiner can normally be reached from Monday to Friday from 7.15 a.m. to 4.15 p.m. except one day each bi-week which would be disclosed on the Examiner's voice mail system.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Lynette Smith, can be reached on (703) 308-3909.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-0196.

January, 2003

SD
S. DEVI, PH.D.
PRIMARY EXAMINER